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■ 215-988-2700

FACSIMILE INFORMATION SHEET

TO: U. S Patent and Trademark Office  
FROM: Daniel A. Monaco  
DIRECT DIAL: 215-988-3312  
DATE: 3/4/04 DOCUMENT NAME: Request for Permission to Withdraw as Attorney (37 CFR 10.40(c))  
NUMBER OF PAGES: INCLUDING COVER 9  
TELEPHONE NUMBER: FAX NUMBER: 1-703-872-9306

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ENTIRETY, PLEASE CALL THE OPERATOR AT 215-988-2987

DB&R FACSIMILE MACHINES

215-988-2757

Message:

Attached is a courtesy copy of a paper filed by mail on January 22, 2004.

Client/Matter No.:187547

☒ Original will not follow.

Original will follow via: Regular Mail Overnight Delivery Hand Delivery Other:

The pages which follow are confidential and/or privileged. They are intended solely for the person to whom this cover sheet is addressed. Any review, reproduction or retransmission of such material by any person other than such addressee is unauthorized. If this cover sheet and the pages which follow have been received at your location in error, please notify the operator by telephone (collect) at the number set forth above and return the material U.S. First-Class Mail without inspection. We will reimburse your postage. Thank you for your cooperation.

PHIP374295\1

PATENT  
Attorney's Docket No: 44685-0001 CT1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of  
Howard B. Gamper, et al.

Serial No.: 10/615,555

Filed: July 7, 2003

For: BINARY HYBRID MUTATIONAL  
VECTORS

Group Art Unit: 1635

Examiner:  
Not Yet Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Director, Group 1600

APPROVED  
*[Signature]*  
SPR ETC 1600  
3/15/04

REQUEST FOR PERMISSION TO WITHDRAW AS ATTORNEY  
(37 CFR 10.40(c))

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case in accordance with 37 CFR 1.36.

## LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

☒ inventor(s)

☐ assignee of the entire interest

CERTIFICATE OF MAILING	
UNDER 37 C.F.R. 1.8(a)	
I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
BY	<i>[Signature]</i>
DATE	<i>January 22, 2004</i>

is: Howard B. Gamper  
Biomedical Research Building 2, Room 713  
421 Curie Boulevard  
University of Pennsylvania  
Philadelphia, PA 19104

Eric B. Kmiec  
University of Delaware  
Dept. of Biological Sciences  
105 Wolf Hall  
Newark, DE 19716

Richard J. Bartlett  
Center for Scientific Review/NIH  
6701 Rockledge Dr. (Rockledge II)  
Room 4110  
Bethesda, MD 20892-7814

#### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 CFR 10.40(c) section(s) 1(vi).

Explanation (including brief description of exhibits, if any):

The Assignees of application Serial No. 09/874,720 filed June 5, 2001 (Thomas Jefferson University and The University of Miami), have relinquished rights in the invention and the '720 application to the inventors Howard B. Gamper, Eric B. Kmiec and Richard J. Bartlett. Kmiec and Bartlett retained the undersigned to proceed with the preparation and filing of a continuation application on behalf of all three inventors. Gamper declined to participate. The continuation was filed on July 7, 2003, as application Serial No. 10/615,555. The '720 application is abandoned.

Applicants Kmiec and Bartlett have failed to pay the undersigned's invoices which include preparation and filing of a three-month extension of time in the '720 application, and all charges with respect to the preparation and filing of the '555 application.

Enclosed is a copy of a letter dated December 19, 2003 to Kmiec and Bartlett announcing the undersigned's intention to withdraw from representation, absent complete payment of all outstanding obligations by January 15, 2004. Although the letter contained a typographical error ("June 15, 2005"), it is apparent from the context that the imposed payment deadline was January 15, 2004.

#### ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response is due (if any)

PHIP370901\1

- (i) ☒ there is no outstanding term for response
- (ii) ☐ there is an outstanding term for response that is set to expire on  
The above term is extendible under 37 CFR 1.136(a) until \_\_\_\_\_

☐ are

☐ are not being submitted herewith

NOTE: "If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved." Notice of December 10, 1987, 1086 OG 457.

*(complete the following, if applicable)*

- (iii) ☐ Also submitted herewith is a response to the outstanding Official Action.

**B. Time Left for Response**

Therefore, the amount of time for response including extension under 37 CFR 1.136(a) is:

☐ at least \_\_\_\_\_

☒ cannot be calculated because this case is/will now be awaiting action by the PTO.

**NOTIFICATION OF CLIENT**

5. In accordance with 37 CFR 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of a letter to Applicants Gamper, Bartlett and Kmiec, forwarding a copy of this request is enclosed.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 CFR 10.40(a).

**NUMBER OF COPIES OF REQUEST**

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 CFR § 1.36 submit the request in triplicate (original and two copies ...) Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal is (has) also been requested in the following related applications of the

PHIP\370901\1

3

(check all applicable items)

- ☐ inventor
- ☐ assignee
- ☐ common representative

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S)**

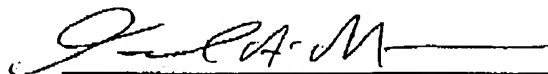
8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)

Arthur H. Seidel  
Gregory J. Lavorgna  
Daniel A. Monaco  
Thomas J. Durling  
John J. Marshall

Registration No. 15,979  
Registration No. 30,469  
Registration No. 30,480  
Registration No. 31,349  
Registration No. 29,671

Respectfully submitted,



DANIEL A. MONACO  
Registration No. 30,480  
Drinker Biddle & Reath LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
(215) 988-3312 - Phone  
(215) 988-2757 - Fax  
Attorney for the Applicants

# DrinkerBiddle&Reath

Daniel A. Monaco  
215-988-3312  
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NEW YORK  
WASHINGTON  
LOS ANGELES  
SAN FRANCISCO  
PRINCETON  
FLORHAM PARK  
SPRINGFIELD  
WILMINGTON

December 19, 2003

Eric Kmiec, Ph.D.  
Professor  
Department of Biological Sciences  
Delaware Biotechnology Institute  
Delaware Technology Park  
15 Innovation Way  
Newark, DE 19711

Richard J. Bartlett, Ph.D.  
Building 45, Rm 5AS.37B  
Review Branch, NIAMS  
Bethesda, MD 20892

RE: U.S. Patent Application No. 101/615,555  
Filed: July 7, 2003  
For: **"BINARY HYBRID MUTATIONAL VECTORS"**  
Our File Nos.: 44685-0001 CT1 (44685-187547)

Dear Eric and Richard:

I am enclosing, for each of you, a statement of account reflecting balances due.

When we filed the application, we agreed to forego collection of our fees in advance, in view of a promise that our fees would be promptly paid. More than four months has passed without payment having been rendered.

Under the circumstances, it is appropriate for me to demand immediate payment in full.

Please be advised unless I receive complete payment from each of you by **January 15, 2005**, I will withdraw as your attorney in the above-identified patent application.

Established  
1849

PHIP368829A1

DrinkerBiddle&Reath

Eric Kmiec, Ph.D. and Richard J. Bartlett, Ph.D.  
December 19, 2003  
Page 2

Please be advised that my withdrawal is without prejudice to any right to pursue collection of our outstanding charges.

Sincerely yours,

(Original)  
(Signed) DANIELA MONACO  
DANIEL A. MONACO

DAM/dmc  
Enclosure

PHIP3688291

**DrinkerBiddle&Reath**

Daniel A. Monaco  
215-988-3312  
monacoda@dbt.com

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18th and Cherry Streets  
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NEW YORK  
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LOS ANGELES  
SAN FRANCISCO  
PRINCETON  
FLORHAM PARK  
DURHAM  
WILMINGTON

January 22, 2004

Eric Kmiec, Ph.D.  
Professor  
Department of Biological Sciences  
Delaware Biotechnology Institute  
Delaware Technology Park  
15 Innovation Way  
Newark, DE 19711

Richard J. Bartlett, Ph.D.  
Building 45, Rm 5AS.37B  
Review Branch, NIAMS  
6701 Rockledge Dr. (Rockledge II)  
Room 4110  
Bethesda, MD 20892-7814

Howard B. Gamper  
Biomedical Research Building 2  
Room 713  
421 Curie Boulevard  
University of Pennsylvania  
Philadelphia, PA 19104

RE: U.S. Patent Application No. 101/615,555  
Filed: July 7, 2003  
For: "**BINARY HYBRID MUTATIONAL VECTORS**"  
Our File Nos.: 44685-0001 CT1 (44685-187547)

Dear Eric, Richard and Howard:

Enclosed is a Request for Permission to Withdraw as Attorney which I have filed in the above-identified patent application.

My withdrawal from representation is without prejudice to our right to pursue collection of all outstanding invoices from Richard and Eric, the parties who retained us to file the above-identified patent application.

Sincerely yours,  
(Original)  
(Signed) DANIEL A. MONACO

DANIEL A. MONACO

DAM/dmc  
Enclosure

*Established*  
1849

PIUP3709021



**RECEIVED IN THE U.S. PATENT &  
TRADEMARK OFFICE**

Attorney Docket No.: 44685-0001 CT1  
Application No.: 10/615,555  
Filing Date: July 7, 2003  
In re: Howard B. Camper, et al.  
For: BINARY HYBRID MUTATIONAL VECTORS

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Director, Group 1600

Sir: Please acknowledge receipt of the attached papers  
by stamping on this card the date received, and return  
it to the addressee.

Request for Permission to Withdraw as Attorney (4 pgs.);  
Copy of December 19, 2003 letter (2 pgs.);  
Copy of January 22, 2004 letter (1 pg.); and  
Return Postcard.

(187547)  
DRINKER BIDDLE & REATH LLP  
Mailed: January 22, 2004